

# INTEGRATED PUBLIC ALERT AND WARNING SYSTEM MODERNIZATION ACT OF 2015

DECEMBER 8, 2016.—Committed to the Committee of the Whole House on the State  
of the Union and ordered to be printed

Mr. McCAUL, from the Committee on Homeland Security,  
submitted the following

## R E P O R T

[To accompany H.R. 1738]

[Including cost estimate of the Congressional Budget Office]

The Committee on Homeland Security, to whom was referred the bill (H.R. 1738) to amend the Homeland Security Act of 2002 to direct the Secretary of Homeland Security to modernize and implement the national integrated public alert and warning system to disseminate homeland security information and other information, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

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The amendment is as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Integrated Public Alert and Warning System Modernization Act of 2015”.

**SEC. 2. FINDINGS.**

Congress finds that—

- (1) numerous proven and tested technologies exist to enable the Federal Government to update and modernize its dissemination of public alerts and warnings;
- (2) the expected benefits of these enhancements include—
  - (A) greater security, effectiveness, reliability, integration, flexibility, comprehensiveness, and redundancy of the Federal Government’s alert and warning capabilities;
  - (B) rapid alert dissemination;
  - (C) an improved ability to notify remote locations;
  - (D) an improved ability to notify individuals with disabilities; and
  - (E) the ability to geographically target and deliver alerts and warnings through multiple communication modes;
- (3) there is a need to test the viability of delivering messages through diverse communications modes to effectively alert and warn the public;
- (4) there is a need to update, modernize, and improve the ability of the Federal Government to provide residents of the United States with timely and effective warnings;
- (5) although significant Federal integration efforts are underway, the aggregation, dissemination, and reporting system necessary for effective public alert and warning will require an integrated national network for flexible, reliable, secure, and authenticated dissemination of emergency alerts and warnings by Federal, State, local, and tribal entities that are authorized to issue alerts to the public;
- (6) there is a need to ensure that alerts and warnings are accessible to people with disabilities, particularly with sensory disabilities; and
- (7) States and urban areas should be allowed to utilize homeland security grants for the purposes of updating and modernizing public alert and warning capabilities.

**SEC. 3. NATIONAL INTEGRATED PUBLIC ALERT AND WARNING SYSTEM MODERNIZATION.**

(a) IN GENERAL.—

(1) AMENDMENT.—Title V of the Homeland Security Act of 2002 (6 U.S.C. 311 et seq.) is amended by adding at the end of the following new section:

**“SEC. 526. NATIONAL INTEGRATED PUBLIC ALERT AND WARNING SYSTEM MODERNIZATION.**

“(a) IN GENERAL.—In order to provide timely and effective warnings and disseminate homeland security information and other information, the Secretary shall, considering the recommendations of the advisory committee established under subsection (e), update, modernize, and implement the national integrated public alert and warning system.

“(b) IMPLEMENTATION REQUIREMENTS.—In carrying out subsection (a), the Secretary shall—

- “(1) ensure that under all conditions the President is able to alert and warn governmental authorities and the civilian population in areas endangered by an act of terrorism, natural disaster, war, other man-made disaster, or other hazard to public safety;
- “(2) establish or adapt, as appropriate, common alerting and warning protocols, standards, terminology, and operating procedures for the integrated public alert and warning system;
- “(3) include in the integrated public alert and warning system the capability to adapt the dissemination of homeland security information and other information, and the content of communications, on the basis of geographic location, risks, and multiple communications systems and technologies, as appropriate;
- “(4) to the extent technically feasible, include in the national integrated public alert and warning system the capability to alert, warn, and provide the equivalent amount of information to—
  - “(A) individuals with limited English proficiency skills;
  - “(B) individuals with disabilities, particularly sensory disabilities; and
  - “(C) individuals with other access or functional needs;

“(5) ensure training, tests, and exercises for the integrated public alert and warning system, and that the system is incorporated into other training and exercise programs of the Department, as appropriate;

“(6) ensure that a comprehensive and periodic training program, consistent with the principles of, and integrated with, the National Incident Management System and in support of the National Preparedness System, for receiving and disseminating the integrated public alert and warning system messages utilizing advanced technologies is provided to State, local, tribal, and other homeland security stakeholders involved in the transmission of such messages;

“(7) conduct periodic nationwide tests of the integrated public alert and warning system, at least once every 5 years; and

“(8) consult, coordinate, and cooperate, to the extent practicable, with other Federal agencies and departments and with State, local, and tribal governments, the private sector, and other key stakeholders to leverage existing alert and warning capabilities.

“(c) **SYSTEM REQUIREMENTS.**—The Secretary shall ensure that the system—

“(1) incorporates redundant, diverse modes to disseminate homeland security information and other information in warning messages to the public so as to reach the greatest number of individuals in the intended area or location;

“(2) can be adapted to incorporate emerging and future technologies, including social media;

“(3) is reliable, resilient, and secure, and can withstand acts of terrorism, hazards, and other external attacks or dangers;

“(4) is, to the greatest extent practicable, hardened against cyber attacks;

“(5) promotes State, local, tribal, and regional partnerships to enhance coordination;

“(6) to the extent technically feasible, is designed to provide alerts that are accessible to the largest portion of the affected population, including non-resident visitors and tourists, individuals with limited English proficiency skills, and individuals with disabilities, particularly sensory disabilities, or other access or functional needs; and

“(7) is designed to improve the ability of affected populations in remote areas and areas with underdeveloped telecommunications infrastructure to receive alerts.

“(d) **PRIVACY PROTECTION.**—The Secretary, in consultation with the Department’s Chief Privacy Officer, shall produce a Privacy Impact Assessment every 5 years to evaluate whether the technology of the national integrated public alert and warning system has implications on the privacy rights of citizens of the United States.

“(e) **INTEGRATED PUBLIC ALERT AND WARNING SYSTEM MODERNIZATION ADVISORY COMMITTEE.**—

“(1) **ESTABLISHMENT.**—Not later than 90 days after the date of enactment of the Integrated Public Alert and Warning System Modernization Act of 2015, the Secretary shall establish an advisory committee to be known as the Integrated Public Alert and Warning System Advisory Committee (in this subsection referred to as the ‘Advisory Committee’).

“(2) **MEMBERSHIP.**—The Advisory Committee shall be composed of the following members:

“(A) The Chairman of the Federal Communications Commission (or the Chairman’s designee).

“(B) The Administrator of the National Oceanic and Atmospheric Administration (or the Administrator’s designee).

“(C) The Assistant Secretary for Communications and Information of the Department of Commerce (or the Assistant Secretary’s designee).

“(D) The Director of the United States Geological Survey (or the Director’s designee).

“(E) The Under Secretary for Science and Technology of the Department of Homeland Security (or the Under Secretary’s designee).

“(F) The Under Secretary for Cybersecurity and Communications of the Department of Homeland Security National Protection and Programs Directorate.

“(G) The Director of the Office of Disability Integration and Coordination of the Federal Emergency Management Agency.

“(H) The following members, to be appointed by the Secretary as soon as practicable after the date of enactment of the Integrated Public Alert and Warning System Modernization Act of 2015 for a term established by the Secretary that does not exceed 5 years:

“(i) Representatives of State and local governments, representatives of emergency management agencies, representatives of emergency response providers, and representatives of emergency communications

providers, selected from among individuals nominated by national organizations representing governments and personnel.

“(ii) Representatives from federally recognized Indian tribes and national Indian organizations.

“(iii) Individuals who have the requisite technical knowledge and expertise to serve on the Advisory Committee, including representatives of—

“(I) communications service providers;

“(II) vendors, developers, and manufacturers of systems, facilities, equipment, and capabilities for the provision of communications services;

“(III) the broadcasting industry;

“(IV) the commercial mobile radio service industry;

“(V) the cable industry;

“(VI) the satellite industry;

“(VII) consumer or privacy advocates;

“(VIII) national organizations representing individuals with disabilities and access and functional needs;

“(IX) national organizations representing the elderly; and

“(X) national organizations representing educational institutions, including higher education.

“(iv) Qualified representatives of such other stakeholders and interested and affected parties as the Secretary considers appropriate.

“(3) CHAIRPERSON.—The Secretary (or the Secretary’s designee) shall serve as the Chairperson of the Advisory Committee.

“(4) MEETINGS.—

“(A) INITIAL MEETING.—The initial meeting of the Advisory Committee shall take place not later than 150 days after the date of enactment of the Integrated Public Alert and Warning System Modernization Act of 2015.

“(B) OTHER MEETINGS.—After the initial meeting, the Advisory Committee shall meet, at least annually, at the call of the Chairperson.

“(C) NOTICE; OPEN MEETINGS.—Meetings held by the Advisory Committee shall be duly noticed at least 14 days in advance and shall be open to the public.

“(5) RULES.—The Advisory Committee may adopt such rules as are necessary to carry out its duties.

“(6) CONSULTATION WITH NONMEMBERS.—The Advisory Committee and the program office for the integrated public alert and warning system of the United States shall regularly meet with groups that are not represented on the Advisory Committee to consider new and developing technology that may be beneficial to such system, such as—

“(A) the Defense Advanced Research Projects Agency;

“(B) entities engaged in federally funded research; and

“(C) academic institutions engaged in relevant work and research.

“(7) RECOMMENDATIONS.—The Advisory Committee may develop and submit in the annual reports under paragraph (8) recommendations for the continuation and improvement of an integrated public alert and warning system, including—

“(A) recommendations for common alerting and warning protocols, standards, terminology, and operating procedures for such system;

“(B) an assessment of the accomplishments and deficiencies of such system, including its accessibility for individuals with disabilities, and the impact on current alert and warning systems;

“(C) recommendations for increasing participation in such system, particularly among elementary, secondary, and higher education institutions; and

“(D) recommendations for improvements to such system, including recommendations to provide for a public alert and warning system that—

“(i) has the capability to adapt the distribution and content of communications on the basis of geographic location, risks, multiple communication systems and technologies, as appropriate;

“(ii) has the capability to alert and warn individuals with disabilities, particularly sensory disabilities, or access or functional needs, and individuals with limited English proficiency;

“(iii) incorporates multiple communications technologies;

“(iv) is designed to adapt to, and incorporate, emerging and future technologies for communicating directly with the public;

“(v) is reliable, resilient, and secure, and can withstand acts of terrorism, hazards, and other external attacks or dangers;

“(v) is hardened and resilient, to the greatest extent practicable, with respect to cyber attacks;

“(vi) encourages proper use by State and local governments of such system through training programs and other means;

“(vii) is designed to provide alerts to the largest portion of the affected population feasible, including nonresident visitors and tourists, and improve the ability of remote areas to receive alerts;

“(viii) promotes local and regional public and private partnerships to enhance community preparedness and response;

“(ix) promotes the participation of representatives from underserved and underrepresented communities, to ensure that alerts and warnings reach such populations; and

“(x) provides redundant alert mechanisms where practicable so as to reach the greatest number of people regardless of whether they have access to, or utilize, any specific medium of communication or any particular device.

“(8) REPORT.—Not later than one year after the date of enactment of the Integrated Public Alert and Warning System Modernization Act of 2015, and every year thereafter, the Advisory Committee shall submit to the Secretary a report containing the recommendations of the Advisory Committee.

“(9) FEDERAL ADVISORY COMMITTEE ACT.—Neither the Federal Advisory Committee Act (5 U.S.C. App.) nor any rule, order, or regulation promulgated under that Act shall apply to the Advisory Committee.

“(10) SUNSET.—The Advisory Committee shall terminate on the date that is six years after the date on which the Advisory Committee is established pursuant to paragraph (1).

“(f) REPORT.—Not later than one year after the date of the establishment of the Advisory Committee, and every year thereafter for the next six years, the Secretary shall submit to the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate, a report on the functionality and performance of such system, including—

“(1) the recommendations of the most recent Advisory Committee report under subsection (e)(8), what recommendations under such subsection the Secretary has implemented to modernize the public alert and warning system, and if any such recommendations identified under such subsection were not implemented, why the Secretary chose to not implement such recommendations;

“(2) an assessment of the accomplishments and deficiencies of the system;

“(3) an assessment of the cybersecurity of the system, including any relevant vulnerability assessments;

“(4) recommendations based on lessons learned during events in which the system was utilized;

“(5) recommendations for improvements to the system;

“(6) information on the feasibility and effectiveness of disseminating homeland security information and other information, notices, and alerts prior to and following an incident requiring use of the system; and

“(7) information on any innovations in or changes to the national integrated public alert and warning system that result in the collection of personally identifiable information.

“(g) COMPATIBLE MOBILE DEVICES.—The Secretary shall—

“(1) make available to the public, through the Internet and other appropriate means, a list of mobile devices that are capable of receiving warnings and alerts disseminated through the national integrated public alert and warning system; and

“(2) update such list as necessary, but not less often than once each year.

“(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section \$12,800,000 for each of fiscal years 2016, 2017, and 2018.”

(2) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by adding at the end of the items relating to such title the following:

“Sec. 526. National integrated public alert and warning system modernization.”

(b) LIMITATION ON STATUTORY CONSTRUCTION.—

(1) IN GENERAL.—Nothing in this Act (including the amendments made by this Act) shall be construed—

(A) to affect the authority of the Department of Commerce, the authority of the Federal Communications Commission, or the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.);

(B) to provide the Secretary of Homeland Security authority to require any action by the Federal Communications Commission, the Department of Commerce, or any nongovernment entity, or to affect any existing obligations of those entities;

(C) to apply to, or provide the Secretary of Homeland Security any authority over, any participating commercial mobile service provider; or

(D) to alter in any way the wireless emergency alert service created pursuant to the Warning, Alert, and Response Network Act (47 U.S.C. 1201 et seq.) or related orders of the Federal Communications Commission issued after the date of enactment of that Act.

(2) PARTICIPATING COMMERCIAL MOBILE SERVICE PROVIDER DEFINED.—For purposes of this subsection, the term “participating commercial mobile service provider” has the same meaning as such term has in section 10.10(f) of title 47, Code of Federal Regulations, as in effect on the date of the enactment of this Act.

(c) HOMELAND SECURITY GRANTS.—Section 2008(a) of the Homeland Security Act of 2002 (6 U.S.C. 609(a)) is amended—

(1) in paragraph (12), by striking “and” at the end;

(2) by redesignating paragraph (13) as paragraph (14); and

(3) by inserting after paragraph (12) the following new paragraph:

“(13) improving public alert and warning capabilities; and”.

#### PURPOSE AND SUMMARY

The purpose of H.R. 1738 is to amend the Homeland Security Act of 2002 to direct the Secretary of Homeland Security to modernize and implement the national integrated public alert and warning system to disseminate homeland security information and other information, and for other purposes.

#### BACKGROUND AND NEED FOR LEGISLATION

Since its establishment in April 2007, the Department of Homeland Security (DHS) Integrated Public Alert and Warning System (IPAWS) Program Management Office (PMO) has been operating without Congressional authorization. Given the significant progress that the PMO has accomplished since its establishment, the time has come for Congress to provide the necessary support and direction to ensure that IPAWS reaches its goals. This legislation provides the Secretary with direction on the necessary system requirements that IPAWS must achieve, such as the ability to provide timely alerts and warnings to the largest segment of the population possible.

This legislation is the product of a number of hearings and briefing held by the Subcommittee on Emergency Preparedness, Response, and Communications in the 112th and 113th Congresses, including a July 8, 2011, hearing entitled, “Communicating With the Public During Emergencies: An Update on Federal Alerts and Warnings,” which focused specifically on IPAWS and at which Members of the Subcommittee received testimony from Federal witnesses and stakeholders. The Subcommittee continued its oversight of IPAWS at a November 17, 2011, hearing, which explored the various emergency communications offices and programs at the Department of Homeland Security. The director of the IPAWS PMO testified at that hearing and provided Members of the Subcommittee with an update on the national test of the Emergency Alert System and implementation of the Commercial Mobile Alert System (CMAS) now known as Wireless Emergency Alert (WEA). The Subcommittee also held a Member briefing on May 7, 2013, to receive an update on the system and its use. The Assistant Admin-

istrator for National Continuity Programs from the Federal Emergency Management Administration provided the briefing.

The need for, and benefit of, a robust integrated public alert and warning system has been repeatedly demonstrated in recent events. Alerts through the IPAWS system were sent after the Boston Marathon bombings and wireless emergency alerts have been credited with helping to save lives during natural disasters, including Hurricane Sandy and the severe tornadoes hit the South and Midwest in Spring 2014. This legislation will help to ensure that as much information as possible is made available and accessible to the public before, during, and after terrorist attacks, natural disasters, and other emergencies to get them out of harm's way.

#### HEARINGS

The Committee did not hold any hearings on H.R. 1738; however, the Committee held the following oversight hearings during the 112th Congress:

On July 8, 2011, the Subcommittee on Emergency Preparedness, Response, and Communications held a hearing entitled, "Communicating With the Public During Emergencies: An Update on Federal Alert and Warning Efforts." The Subcommittee received testimony from Mr. Damon Penn, Assistant Administrator, National Continuity Programs, Federal Emergency Management Agency, Department of Homeland Security; RADM James A. Barnett, Chief, Public Safety and Homeland Security Bureau, Federal Communications Commission; Mr. Christopher Guttman-McCabe, Vice President, Regulatory Affairs, CTIA—The Wireless Association; Ms. Suzanne D. Goucher, President and CEO, Maine Association of Broadcasters, *testifying on behalf of the National Alliance of State Broadcasting Associations*; and Mr. Allen W. Kniphfer, Emergency Coordinator, Jefferson County, Alabama.

On November 17, 2011, the Subcommittee on Emergency Preparedness, Response, and Communications held a hearing entitled, "Ensuring Coordination and Cooperation: A Review of the Emergency Communications Offices Within the Department of Homeland Security." The Subcommittee received testimony from Mr. Chris Essid, Director, Office of Emergency Communications, Department of Homeland Security; Mr. John O'Connor, Manager, National Coordinating Center for Communications, National Protection and Programs Directorate, Department of Homeland Security; Mr. Damon Penn, Assistant Administrator, National Continuity Programs, Federal Emergency Management Agency, Department of Homeland Security; Mr. Eric Edwards, Director, Disaster Emergency Communications Division, Response Directorate, Federal Emergency Management Agency, Department of Homeland Security; and Ms. Linda K. Moore, Specialist in Telecommunications and Spectrum Policy, Congressional Research Service.

#### COMMITTEE CONSIDERATION

The Committee met on May 20, 2015, to consider H.R. 1738, and ordered the measure to be reported to the House with a favorable recommendation, amended, by voice vote. The Committee took the following actions:

The following amendments were offered:

An Amendment in the Nature of a Substitute offered by Ms. MCSALLY (#1); was AGREED TO, as amended, by voice vote.

An Amendment by MR. PAYNE to the Amendment in the Nature of a Substitute (#1A); was AGREED TO by voice vote.

Page 13, line 7, insert the following (and redesignate the subsequent clauses accordingly):

“(v) is reliable, resilient, and secure, and can withstand acts of terrorism, hazards, and other external attacks or dangers;

#### COMMITTEE VOTES

Clause 3(b) of Rule XIII of the Rules of the House of Representatives requires the Committee to list the recorded votes on the motion to report legislation and amendments thereto.

No recorded voted were requested during consideration of H.R. 1738.

#### COMMITTEE OVERSIGHT FINDINGS

Pursuant to clause 3(c)(1) of Rule XIII of the Rules of the House of Representatives, the Committee has held oversight hearings and made findings that are reflected in this report.

#### NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

In compliance with clause 3(c)(2) of Rule XIII of the Rules of the House of Representatives, the Committee finds that H.R. 1738, the Integrated Public Alert and Warning System Modernization Act of 2015, would result in no new or increased budget authority, entitlement authority, or tax expenditures or revenues.

#### CONGRESSIONAL BUDGET OFFICE ESTIMATE

The Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, June 1, 2015.*

Hon. MICHAEL MCCAUL,  
*Chairman, Committee on Homeland Security,*  
*House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 1738, the Integrated Public Alert and Warning System Modernization Act of 2015.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Martin von Gnechten.

Sincerely,

KEITH HALL.

Enclosure.

*H.R. 1738—Integrated Public Alert and Warning System Modernization Act of 2015*

Summary: H.R. 1738 would authorize the appropriation of \$38 million over the 2016–2018 period for the Department of Homeland



Security (DHS) to operate and modernize the Integrated Public Alert and Warning System (IPAWS). The bill also would establish a committee to develop and submit recommendations for improving the system. CBO estimates that implementing H.R. 1738 would cost \$37 million over the next five years, assuming appropriation of the necessary amounts over the 2016–2018 period.

Enacting this legislation would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

H.R. 1738 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would not affect the budgets of state, local, or tribal governments.

**Estimated cost to the Federal Government:** The estimated budgetary effect of H.R. 1738 is shown in the following table. The cost of this legislation falls within budget function 450 (community and regional development).

	By fiscal year, in millions of dollars—					
	2016	2017	2018	2019	2020	2016–2020
CHANGES IN SPENDING SUBJECT TO APPROPRIATION						
Estimated Authorization Level .....	13	13	13	*	*	39
Estimated Outlays .....	4	8	11	8	5	37

Notes: \* = Less than \$500,000; details may not sum to totals because of rounding.

**Basis of estimate:** For this estimate, CBO assumes that the legislation will be enacted near the end of fiscal year 2015 and that the necessary amounts will be appropriated for each year during the three-year authorization period.

CBO estimates that implementing the legislation would cost \$37 million over the 2016–2018 period for DHS to modernize and to continue to employ IPAWS. In recent years, \$12 million has been allocated annually for IPAWS, and recent annual budget requests have sought \$15 million or more to operate IPAWS.

IPAWS uses multiple technologies (for example, satellite radios, computers, and cellular phones) in addition to traditional radio and television communications to provide information about an impending or ongoing emergency situation. The bill specifies several performance criteria that IPAWS would be required to meet. DHS is currently pursuing several of those criteria under Executive Order 13407. In addition to codifying elements of the executive order, the bill specifies additional criteria for IPAWS, including training state and local governments and other stakeholders to use the system, conducting nationwide testing of the system every five years, and ensuring that IPAWS can withstand terrorist attacks.

The bill also would establish an advisory committee to develop recommendations to continue improving IPAWS and require it to submit a report of its findings to the Congress within one year of enactment. However, because the committee would not terminate until after 2018 (the last year in which the bill specifies an authorization level), additional discretionary appropriations would be necessary to continue operations of the committee beyond that date. Based on historical expenditures for similar activities, CBO estimates that continuing the work of the advisory committee would cost about \$1 million over the 2019–2020 period.

Based on the rate of current spending by DHS for IPAWS work, CBO estimates that implementing the three-year authorization for IPAWS in H.R. 1738 would cost \$37 million over the 2016–2020 period, assuming appropriation of the necessary amounts.

Pay-as-you-go considerations: None.

Intergovernmental and private-sector impact: H.R. 1738 contains no intergovernmental or private-sector mandates as defined in UMRA and would not affect the budgets of state, local, or tribal governments.

Previous CBO estimate: On April 27, 2015, CBO transmitted a cost estimate for H.R. 1472, the Integrated Public Alert and Warning System Modernization Act of 2015, as ordered reported by the House Committee on Transportation and Infrastructure on April 15, 2015. The two bills are similar and the CBO cost estimates are the same.

On May 21, 2015, CBO transmitted a cost estimate for S. 1180, the Integrated Public Alert and Warning System Modernization Act of 2015, as ordered reported by the Senate Committee on Homeland Security and Governmental Affairs on May 6, 2015. S. 1180 and H.R. 1738 are similar and the CBO cost estimates are the same.

Estimate prepared by: Federal Costs: Martin von Gnechten; Impact on State, Local, and Tribal Governments: Melissa Merrell; Impact on the Private Sector: Logan Smith.

Estimate approved by: Theresa Gullo, Assistant Director for Budget Analysis.

#### STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause 3(c)(4) of Rule XIII of the Rules of the House of Representatives, H.R. 3283 contains the following general performance goals and objectives, including outcome related goals and objectives authorized.

H.R. 3283 authorizes the Integrated Public Alert and Warning System with the goal of providing reliable alerts and warnings to the American public through diverse modes of communications.

To ensure efficient and effective System performance, H.R. 3283 requires the Secretary of Homeland Security to report to the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Governmental Affairs in the Senate not later than one year after the establishment of the IPAWS Advisory Committee and annually thereafter on the functionality and performance of the system. In addition, the bill includes requirements for the periodic testing of the system.

#### DUPLICATIVE FEDERAL PROGRAMS

Pursuant to clause 3(c) of Rule XIII, the Committee finds that H.R. 1738 does not contain any provision that establishes or reauthorizes a program known to be duplicative of another Federal program.

#### CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, AND LIMITED TARIFF BENEFITS

In compliance with Rule XXI of the Rules of the House of Representatives, this bill, as reported, contains no congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), or 9(g) of the Rule XXI.

#### FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act.

#### PREEMPTION CLARIFICATION

In compliance with section 423 of the Congressional Budget Act of 1974, requiring the report of any Committee on a bill or joint resolution to include a statement on the extent to which the bill or joint resolution is intended to preempt State, local, or Tribal law, the Committee finds that H.R. 1738 does not preempt any State, local, or Tribal law.

#### DISCLOSURE OF DIRECTED RULE MAKINGS

The Committee estimates that H.R. 1738 would require no directed rule makings.

#### ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by this legislation.

#### APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

#### SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

##### *Section 1. Short Title.*

This section provides that bill may be cited as the “Integrated Public Alert and Warning System Modernization Act of 2015.”

##### *Sec. 2. Findings.*

This section sets forth a number of findings including:

- Numerous proven and tested technologies exist to enable the Federal Government to update and modernize its dissemination of public alerts and warnings.
- Greater security, reliability, effectiveness, and ability to notify remote locations and individuals with disabilities, and an ability to geographically target and deliver alerts to multiple devices are all benefits of these enhancements.
- There is a need to update, modernize, and improve the ability of the Federal Government to provide residents of the United States with timely and effective warnings.

*Sec. 3. National Integrated Public Alert and Warning System Modernization.*

This section amends Title V of the Homeland Security Act of 2002 by adding a new section, section 526, which directs the Secretary of Homeland Security (Secretary) to update, modernize, and implement the national integrated public alert and warning system.

*Implementation Requirements*

This section requires the Secretary to adopt certain requirements, including common standards and protocols, terminology, and common operating procedures, in the system. The system must also enable the President, under all conditions, to alert and warn governmental authorities and the public in areas endangered by an act of terrorism, war, natural disaster, other man-made disasters, or other hazards to public safety. In addition, the system is required to have the ability to send messages to a specific geographic location and enable persons with disabilities, particularly sensory disabilities, and individuals with limited English proficiency to receive alerts. Training, consistent with the principles of, and integrated with, the National Incident Management System and in support of the National Preparedness System, on message dissemination must be incorporated into Department of Homeland Security training and exercise programs. The system must be tested periodically, but not less than once every five years. Coordination between Federal, State, local, and tribal governments, as well as private sector stakeholders, must be leveraged.

The Committee notes the importance of provisions that require the system to disseminate information on the basis of geographic location. To ensure that warnings are relevant to the alerted population, technology that targets and contains alerts to their intended geographical area should be explored. This is particularly important to avoid the over alerting of the public, which may result in alert fatigue and increase the likelihood individuals will seek to opt out of the system or ignore alerts. When implementing this requirement, however, the Secretary should take into account the technical feasibility of doing so. The Committee recognizes the importance of testing the system to ensure its functionality, particularly in light of the evolution of technology, and as a result, requires testing of the system at least once every five years. The first nationwide test of the Emergency Alert System (EAS) in November 2011 revealed technical and operational issues that are being addressed by Federal, State, and local government stakeholders and the private sector. Tests like this underscore the necessity of conducting a simultaneous, nationwide test at least once every five years. The Committee acknowledges concerns expressed about testing on some platforms and, as a result, urges the Secretary to act to minimize the impact of testing directly to consumers. Additionally, the Committee urges the Secretary to coordinate with Federal partners, such as the Federal Communications Commission, to ensure that the nationwide IPAWS test that will occur not less than once every five years takes into consideration testing conducted by other Federal partners such as the Required Monthly Testing regime already in place in Federal Communications Commission regulation 47 CFR 10.350.

### *System Requirements*

This section requires the Secretary to ensure that the system incorporates redundant and diverse modes of communications to deliver alerts and that the system must be adaptable to emerging future technology, including social media. The system must be hardened to withstand terrorist attacks, hazards, cyber attacks, and other external attacks or dangers, and regional partnerships must be promoted. The system must allow for non-resident visitors and tourists, individuals with limited English proficiency, and individuals with disabilities, particularly sensory disabilities, to receive alerts. The system must improve the ability of remote areas to receive alerts, and the system must include mechanisms to ensure the protection of individual privacy.

As this system is designed to provide alerts and warnings during potentially dire and hazardous situations, the Committee included language requiring the system to be reliable, resilient, and secure to withstand a number of hazards. The Secretary should take all necessary and reasonable steps to ensure that elements of the system, such as primary entry point stations, are secure and able to withstand relevant hazards.

In both the Implementation and System Requirements sections, the Committee includes language requiring the provision of equivalent information to individuals with disabilities, individuals with access or functional needs, and individuals with limited English proficiency “to the extent technically feasible,” in recognition that a single communication mode may not act as a solution to address everyone. However, given the oftentimes life and death context of emergency communications, the Committee urges the Department and its relevant stakeholders to make every effort to ensure accessibility of its alerts and warnings consistent with their existing obligations to do so, and the requirements of the bill.

### *Privacy Protection*

This section requires the Secretary, in consultation with the Department’s Chief Privacy Officer, to produce, once every five years, a Privacy Impact Assessment to evaluate whether the System’s technology has implications on the privacy rights of U.S. citizens.

### *Integrated Public Alert and Warning System Modernization Advisory Committee*

This section establishes an IPAWS Advisory Committee composed of Federal, State, local, and tribal representatives and the private sector. Non-Federal members of the Advisory Committee would be appointed for a term not to exceed five years. The Advisory Committee is instructed to: meet within 150 days of enactment and at least once annually thereafter; consult with outside groups to consider new and developing technology; and issue a yearly report to the Secretary with recommendations on how to improve IPAWS, including the resiliency of the system. The bill sunsets the Advisory Committee after six years.

### *Nonapplicability of FACA*

This section exempts the Advisory Committee from the Federal Advisory Committee Act (5 U.S.C. App.).

*Report*

One year after the establishment of the Advisory Committee, and annually thereafter for six years, the section requires the Secretary to submit a report to the House Committees on Homeland Security and Transportation and Infrastructure and the Senate Committee on Homeland Security and Governmental Affairs on the recommendations in the Advisory Committee's report, whether the Secretary implemented the recommendations, and if he or she did not, the reasons why. In addition, the report must include information on the functionality and performance of the system, including a list of accomplishments and deficiencies, lessons learned, recommended improvements, information on the effectiveness of the system, and information on any innovations or changes to the integrated public alert and warning system that results in the collection of personally identifiable information (PII).

*Compatible Mobile Devices*

This section requires the Secretary to make available to the public, through the Internet and other appropriate means, a list of mobile devices capable of receiving wireless emergency alerts.

*Authorization of Appropriations*

This section authorizes \$12.8 million for IPAWS for each of fiscal years 2015 through 2017.

*Limitation on Statutory Construction*

This section sets forth that nothing in this Act shall be construed to affect the authority of the Department of Commerce or the Federal Communications Commission, or impact the Robert T. Stafford Disaster Relief and Emergency Assistance Act. Nor would the Act grant the Secretary any authority over a participating commercial mobile service provider, as defined in section 10.10(f) of title 47, Code of Federal Regulations, as in effect on the date of enactment.

## CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, and existing law in which no change is proposed is shown in roman):

**HOMELAND SECURITY ACT OF 2002****SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the “Homeland Security Act of 2002”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

\* \* \* \* \*

## TITLE V—NATIONAL EMERGENCY MANAGEMENT

\* \* \* \* \*

*Sec. 526. National integrated public alert and warning system modernization.*

\* \* \* \* \*

## TITLE V—NATIONAL EMERGENCY MANAGEMENT

\* \* \* \* \*

**SEC. 526. NATIONAL INTEGRATED PUBLIC ALERT AND WARNING SYSTEM MODERNIZATION.**

(a) *IN GENERAL.*—In order to provide timely and effective warnings and disseminate homeland security information and other information, the Secretary shall, considering the recommendations of the advisory committee established under subsection (e), update, modernize, and implement the national integrated public alert and warning system.

(b) *IMPLEMENTATION REQUIREMENTS.*—In carrying out subsection (a), the Secretary shall—

(1) *ensure that under all conditions the President is able to alert and warn governmental authorities and the civilian population in areas endangered by an act of terrorism, natural disaster, war, other man-made disaster, or other hazard to public safety;*

(2) *establish or adapt, as appropriate, common alerting and warning protocols, standards, terminology, and operating procedures for the integrated public alert and warning system;*

(3) *include in the integrated public alert and warning system the capability to adapt the dissemination of homeland security information and other information, and the content of communications, on the basis of geographic location, risks, and multiple communications systems and technologies, as appropriate;*

(4) *to the extent technically feasible, include in the national integrated public alert and warning system the capability to alert, warn, and provide the equivalent amount of information to—*

(A) *individuals with limited English proficiency skills;*

(B) *individuals with disabilities, particularly sensory disabilities; and*

(C) *individuals with other access or functional needs;*

(5) *ensure training, tests, and exercises for the integrated public alert and warning system, and that the system is incorporated into other training and exercise programs of the Department, as appropriate;*

(6) *ensure that a comprehensive and periodic training program, consistent with the principles of, and integrated with, the National Incident Management System and in support of the National Preparedness System, for receiving and disseminating the integrated public alert and warning system messages utilizing advanced technologies is provided to State, local, tribal, and other homeland security stakeholders involved in the transmission of such messages;*

(7) conduct periodic nationwide tests of the integrated public alert and warning system, at least once every 5 years; and

(8) consult, coordinate, and cooperate, to the extent practicable, with other Federal agencies and departments and with State, local, and tribal governments, the private sector, and other key stakeholders to leverage existing alert and warning capabilities.

(c) **SYSTEM REQUIREMENTS.**—*The Secretary shall ensure that the system—*

(1) incorporates redundant, diverse modes to disseminate homeland security information and other information in warning messages to the public so as to reach the greatest number of individuals in the intended area or location;

(2) can be adapted to incorporate emerging and future technologies, including social media;

(3) is reliable, resilient, and secure, and can withstand acts of terrorism, hazards, and other external attacks or dangers;

(4) is, to the greatest extent practicable, hardened against cyber attacks;

(5) promotes State, local, tribal, and regional partnerships to enhance coordination;

(6) to the extent technically feasible, is designed to provide alerts that are accessible to the largest portion of the affected population, including nonresident visitors and tourists, individuals with limited English proficiency skills, and individuals with disabilities, particularly sensory disabilities, or other access or functional needs; and

(7) is designed to improve the ability of affected populations in remote areas and areas with underdeveloped telecommunications infrastructure to receive alerts.

(d) **PRIVACY PROTECTION.**—*The Secretary, in consultation with the Department's Chief Privacy Officer, shall produce a Privacy Impact Assessment every 5 years to evaluate whether the technology of the national integrated public alert and warning system has implications on the privacy rights of citizens of the United States.*

(e) **INTEGRATED PUBLIC ALERT AND WARNING SYSTEM MODERNIZATION ADVISORY COMMITTEE.**—

(1) **ESTABLISHMENT.**—*Not later than 90 days after the date of enactment of the Integrated Public Alert and Warning System Modernization Act of 2015, the Secretary shall establish an advisory committee to be known as the Integrated Public Alert and Warning System Advisory Committee (in this subsection referred to as the "Advisory Committee").*

(2) **MEMBERSHIP.**—*The Advisory Committee shall be composed of the following members:*

(A) *The Chairman of the Federal Communications Commission (or the Chairman's designee).*

(B) *The Administrator of the National Oceanic and Atmospheric Administration (or the Administrator's designee).*

(C) *The Assistant Secretary for Communications and Information of the Department of Commerce (or the Assistant Secretary's designee).*

(D) *The Director of the United States Geological Survey (or the Director's designee).*



(E) *The Under Secretary for Science and Technology of the Department of Homeland Security (or the Under Secretary's designee).*

(F) *The Under Secretary for Cybersecurity and Communications of the Department of Homeland Security National Protection and Programs Directorate.*

(G) *The Director of the Office of Disability Integration and Coordination of the Federal Emergency Management Agency.*

(H) *The following members, to be appointed by the Secretary as soon as practicable after the date of enactment of the Integrated Public Alert and Warning System Modernization Act of 2015 for a term established by the Secretary that does not exceed 5 years:*

(i) *Representatives of State and local governments, representatives of emergency management agencies, representatives of emergency response providers, and representatives of emergency communications providers, selected from among individuals nominated by national organizations representing governments and personnel.*

(ii) *Representatives from federally recognized Indian tribes and national Indian organizations.*

(iii) *Individuals who have the requisite technical knowledge and expertise to serve on the Advisory Committee, including representatives of—*

(I) *communications service providers;*

(II) *vendors, developers, and manufacturers of systems, facilities, equipment, and capabilities for the provision of communications services;*

(III) *the broadcasting industry;*

(IV) *the commercial mobile radio service industry;*

(V) *the cable industry;*

(VI) *the satellite industry;*

(VII) *consumer or privacy advocates;*

(VIII) *national organizations representing individuals with disabilities and access and functional needs;*

(IX) *national organizations representing the elderly; and*

(X) *national organizations representing educational institutions, including higher education.*

(iv) *Qualified representatives of such other stakeholders and interested and affected parties as the Secretary considers appropriate.*

(3) **CHAIRPERSON.**—*The Secretary (or the Secretary's designee) shall serve as the Chairperson of the Advisory Committee.*

(4) **MEETINGS.**—

(A) **INITIAL MEETING.**—*The initial meeting of the Advisory Committee shall take place not later than 150 days after the date of enactment of the Integrated Public Alert and Warning System Modernization Act of 2015.*

(B) *OTHER MEETINGS.*—After the initial meeting, the Advisory Committee shall meet, at least annually, at the call of the Chairperson.

(C) *NOTICE; OPEN MEETINGS.*—Meetings held by the Advisory Committee shall be duly noticed at least 14 days in advance and shall be open to the public.

(5) *RULES.*—The Advisory Committee may adopt such rules as are necessary to carry out its duties.

(6) *CONSULTATION WITH NONMEMBERS.*—The Advisory Committee and the program office for the integrated public alert and warning system of the United States shall regularly meet with groups that are not represented on the Advisory Committee to consider new and developing technology that may be beneficial to such system, such as—

(A) the Defense Advanced Research Projects Agency;

(B) entities engaged in federally funded research; and

(C) academic institutions engaged in relevant work and research.

(7) *RECOMMENDATIONS.*—The Advisory Committee may develop and submit in the annual reports under paragraph (8) recommendations for the continuation and improvement of an integrated public alert and warning system, including—

(A) recommendations for common alerting and warning protocols, standards, terminology, and operating procedures for such system;

(B) an assessment of the accomplishments and deficiencies of such system, including its accessibility for individuals with disabilities, and the impact on current alert and warning systems;

(C) recommendations for increasing participation in such system, particularly among elementary, secondary, and higher education institutions; and

(D) recommendations for improvements to such system, including recommendations to provide for a public alert and warning system that—

(i) has the capability to adapt the distribution and content of communications on the basis of geographic location, risks, multiple communication systems and technologies, as appropriate;

(ii) has the capability to alert and warn individuals with disabilities, particularly sensory disabilities, or access or functional needs, and individuals with limited English proficiency;

(iii) incorporates multiple communications technologies;

(iv) is designed to adapt to, and incorporate, emerging and future technologies for communicating directly with the public;

(v) is reliable, resilient, and secure, and can withstand acts of terrorism, hazards, and other external attacks or dangers;

(v) is hardened and resilient, to the greatest extent practicable, with respect to cyber attacks;

(vi) encourages proper use by State and local governments of such system through training programs and other means;

(vii) is designed to provide alerts to the largest portion of the affected population feasible, including non-resident visitors and tourists, and improve the ability of remote areas to receive alerts;

(viii) promotes local and regional public and private partnerships to enhance community preparedness and response;

(ix) promotes the participation of representatives from underserved and underrepresented communities, to ensure that alerts and warnings reach such populations; and

(x) provides redundant alert mechanisms where practicable so as to reach the greatest number of people regardless of whether they have access to, or utilize, any specific medium of communication or any particular device.

(8) *REPORT.*—Not later than one year after the date of enactment of the Integrated Public Alert and Warning System Modernization Act of 2015, and every year thereafter, the Advisory Committee shall submit to the Secretary a report containing the recommendations of the Advisory Committee.

(9) *FEDERAL ADVISORY COMMITTEE ACT.*—Neither the Federal Advisory Committee Act (5 U.S.C. App.) nor any rule, order, or regulation promulgated under that Act shall apply to the Advisory Committee.

(10) *SUNSET.*—The Advisory Committee shall terminate on the date that is six years after the date on which the Advisory Committee is established pursuant to paragraph (1).

(f) *REPORT.*—Not later than one year after the date of the establishment of the Advisory Committee, and every year thereafter for the next six years, the Secretary shall submit to the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate, a report on the functionality and performance of such system, including—

(1) the recommendations of the most recent Advisory Committee report under subsection (e)(8), what recommendations under such subsection the Secretary has implemented to modernize the public alert and warning system, and if any such recommendations identified under such subsection were not implemented, why the Secretary chose to not implement such recommendations;

(2) an assessment of the accomplishments and deficiencies of the system;

(3) an assessment of the cybersecurity of the system, including any relevant vulnerability assessments;

(4) recommendations based on lessons learned during events in which the system was utilized;

(5) recommendations for improvements to the system;

(6) information on the feasibility and effectiveness of disseminating homeland security information and other information,

*notices, and alerts prior to and following an incident requiring use of the system; and*

*(7) information on any innovations in or changes to the national integrated public alert and warning system that result in the collection of personally identifiable information.*

*(g) COMPATIBLE MOBILE DEVICES.—The Secretary shall—*

*(1) make available to the public, through the Internet and other appropriate means, a list of mobile devices that are capable of receiving warnings and alerts disseminated through the national integrated public alert and warning system; and*

*(2) update such list as necessary, but not less often than once each year.*

*(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section \$12,800,000 for each of fiscal years 2016, 2017, and 2018.*

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## **TITLE XX—HOMELAND SECURITY GRANTS**

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### **Subtitle A—Grants to States and High-Risk Urban Areas**

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#### **SEC. 2008. USE OF FUNDS.**

(a) PERMITTED USES.—The Administrator shall permit the recipient of a grant under section 2003 or 2004 to use grant funds to achieve target capabilities related to preventing, preparing for, protecting against, and responding to acts of terrorism, consistent with a State homeland security plan and relevant local, tribal, and regional homeland security plans, through—

(1) developing and enhancing homeland security, emergency management, or other relevant plans, assessments, or mutual aid agreements;

(2) designing, conducting, and evaluating training and exercises, including training and exercises conducted under section 512 of this Act and section 648 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 748);

(3) protecting a system or asset included on the prioritized critical infrastructure list established under section 210E(a)(2);

(4) purchasing, upgrading, storing, or maintaining equipment, including computer hardware and software;

(5) ensuring operability and achieving interoperability of emergency communications;

(6) responding to an increase in the threat level under the Homeland Security Advisory System, or to the needs resulting from a National Special Security Event;

(7) establishing, enhancing, and staffing with appropriately qualified personnel State, local, and regional fusion centers

that comply with the guidelines established under section 210A(i);

(8) enhancing school preparedness;

(9) supporting public safety answering points;

(10) paying salaries and benefits for personnel, including individuals employed by the grant recipient on the date of the relevant grant application, to serve as qualified intelligence analysts, regardless of whether such analysts are current or new full-time employees or contract employees;

(11) paying expenses directly related to administration of the grant, except that such expenses may not exceed 3 percent of the amount of the grant;

(12) any activity permitted under the Fiscal Year 2007 Program Guidance of the Department for the State Homeland Security Grant Program, the Urban Area Security Initiative (including activities permitted under the full-time counterterrorism staffing pilot), or the Law Enforcement Terrorism Prevention Program; **and**

*(13) improving public alert and warning capabilities; and*

**[(13)]** (14) any other appropriate activity, as determined by the Administrator.

(b) LIMITATIONS ON USE OF FUNDS.—

(1) IN GENERAL.—Funds provided under section 2003 or 2004 may not be used—

(A) to supplant State or local funds, except that nothing in this paragraph shall prohibit the use of grant funds provided to a State or high-risk urban area for otherwise permissible uses under subsection (a) on the basis that a State or high-risk urban area has previously used State or local funds to support the same or similar uses; or

(B) for any State or local government cost-sharing contribution.

(2) PERSONNEL.—

(A) IN GENERAL.—Not more than 50 percent of the amount awarded to a grant recipient under section 2003 or 2004 in any fiscal year may be used to pay for personnel, including overtime and backfill costs, in support of the permitted uses under subsection (a).

(B) WAIVER.—At the request of the recipient of a grant under section 2003 or 2004, the Administrator may grant a waiver of the limitation under subparagraph (A).

(3) LIMITATIONS ON DISCRETION.—

(A) IN GENERAL.—With respect to the use of amounts awarded to a grant recipient under section 2003 or 2004 for personnel costs in accordance with paragraph (2) of this subsection, the Administrator may not—

(i) impose a limit on the amount of the award that may be used to pay for personnel, or personnel-related, costs that is higher or lower than the percent limit imposed in paragraph (2)(A); or

(ii) impose any additional limitation on the portion of the funds of a recipient that may be used for a specific type, purpose, or category of personnel, or personnel-related, costs.

(B) ANALYSTS.—If amounts awarded to a grant recipient under section 2003 or 2004 are used for paying salary or benefits of a qualified intelligence analyst under subsection (a)(10), the Administrator shall make such amounts available without time limitations placed on the period of time that the analyst can serve under the grant.

(4) CONSTRUCTION.—

(A) IN GENERAL.—A grant awarded under section 2003 or 2004 may not be used to acquire land or to construct buildings or other physical facilities.

(B) EXCEPTIONS.—

(i) IN GENERAL.—Notwithstanding subparagraph (A), nothing in this paragraph shall prohibit the use of a grant awarded under section 2003 or 2004 to achieve target capabilities related to preventing, preparing for, protecting against, or responding to acts of terrorism, including through the alteration or remodeling of existing buildings for the purpose of making such buildings secure against acts of terrorism.

(ii) REQUIREMENTS FOR EXCEPTION.—No grant awarded under section 2003 or 2004 may be used for a purpose described in clause (i) unless—

(I) specifically approved by the Administrator;

(II) any construction work occurs under terms and conditions consistent with the requirements under section 611(j)(9) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196(j)(9)); and

(III) the amount allocated for purposes under clause (i) does not exceed the greater of \$1,000,000 or 15 percent of the grant award.

(5) RECREATION.—Grants awarded under this subtitle may not be used for recreational or social purposes.

(c) MULTIPLE-PURPOSE FUNDS.—Nothing in this subtitle shall be construed to prohibit State, local, or tribal governments from using grant funds under sections 2003 and 2004 in a manner that enhances preparedness for disasters unrelated to acts of terrorism, if such use assists such governments in achieving target capabilities related to preventing, preparing for, protecting against, or responding to acts of terrorism.

(d) REIMBURSEMENT OF COSTS.—

(1) PAID-ON-CALL OR VOLUNTEER REIMBURSEMENT.—In addition to the activities described in subsection (a), a grant under section 2003 or 2004 may be used to provide a reasonable stipend to paid-on-call or volunteer emergency response providers who are not otherwise compensated for travel to or participation in training or exercises related to the purposes of this subtitle. Any such reimbursement shall not be considered compensation for purposes of rendering an emergency response provider an employee under the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.).

(2) PERFORMANCE OF FEDERAL DUTY.—An applicant for a grant under section 2003 or 2004 may petition the Administrator to use the funds from its grants under those sections for the reimbursement of the cost of any activity relating to pre-

venting, preparing for, protecting against, or responding to acts of terrorism that is a Federal duty and usually performed by a Federal agency, and that is being performed by a State or local government under agreement with a Federal agency.

(e) FLEXIBILITY IN UNSPENT HOMELAND SECURITY GRANT FUNDS.—Upon request by the recipient of a grant under section 2003 or 2004, the Administrator may authorize the grant recipient to transfer all or part of the grant funds from uses specified in the grant agreement to other uses authorized under this section, if the Administrator determines that such transfer is in the interests of homeland security.

(f) EQUIPMENT STANDARDS.—If an applicant for a grant under section 2003 or 2004 proposes to upgrade or purchase, with assistance provided under that grant, new equipment or systems that do not meet or exceed any applicable national voluntary consensus standards developed under section 647 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 747), the applicant shall include in its application an explanation of why such equipment or systems will serve the needs of the applicant better than equipment or systems that meet or exceed such standards.

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